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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/600,405                       | 06/20/2003  | David Au             | 03-043              | 6999             |
| 24124                            | 7590        | 04/22/2004           | EXAMINER            |                  |
| BOHAN, MATHERS & ASSOCIATES, LLC |             |                      | HASHMI, ZIA R       |                  |
| PO BOX 17707                     |             |                      |                     |                  |
| PORLTAND, ME 04112-8707          |             |                      | ART UNIT            | PAPER NUMBER     |
|                                  |             |                      | 2881                |                  |

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                         |                               |
|------------------------------|-----------------------------------------|-------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>                  | <b>Applicant(s)</b>           |
|                              | 10/600,405<br>Examiner<br>Zia R. Hashmi | AU ET AL.<br>Art Unit<br>2881 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) 6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                         |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.                                               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                         | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: details of the power source.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7-10 are rejected under U.S.C. 103(a) as being unpatentable over Yamada et al. ( 6,603,126 ), in view of Cipolla ( 5,879,159 ).

4. With respect to independent claim 1 and dependent claim 2, Yamada et al. disclose a small ultraviolet (UV) device ( Abstract, lines 4 & 8-9, col. 2, lines 31-33, col. 4, lines 54-57, col.5, lines 36-38, and 1a in Fig. 3 ) comprising: a cold cathode UV lamp ( col. 1, lines 19-20 and col. 2, lines2-3 ), a light exposure window ( col. 2, lines 33, 56 and 64 ), a power inverter ( col. 1, line 20 and col. 2, line 10 ), and a DC power source ( 12 & 17 in Fig. 9 ); wherein the UV lamp, power inverter, and the DC power source are electrically connected to each other ( col. 5, lines 19-21, 10a in Fig. B, and Fig. 9 ). Furthermore, their light exposure window is protected by a protective shield ( col. 1, lines 36-37 and col. 4, lines 20-21, and 6a in Fig. 3 ).

4. With respect to claims 1, 3-5 and 7-10, Yamada et al. fail to disclose a portable battery operated UV source with a reflector. Cipolla, however, discloses a portable lamp device ( Abstract, lines 1-3 and col. 1, lines 5-9 ), which emits UV light also ( Fig. 2 ), which is battery operated ( col. 1, lines 6-7, col. 2, lines 65-66, col. 3, lines 3-6 & 36-38, col. 8, line 67, and col. 10, lines 34-35 ), and has reflector behind the lamp ( Abstract, line 10, col. 8, lines, 63-66, col. 9, lines 7-8, and 5 in Fig. 1 ).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the methods and apparatus of Yamada et al. and Cipolla and extend their use to less powerful UV source operable by an AA battery source or a lithium battery source and provide child-safety feature, because Yamada et al. teach ( col. 3, lines 59-62 and col. 2, line 2 ) that a UV light source is reduced in size by employing an LED which have cold cathode, for emitting ultraviolet rays. It is also well known in the art that UV radiation is used for sterilization purposes and safety precautions must be taken as it can be can be harmful, especially to children.

### Conclusion

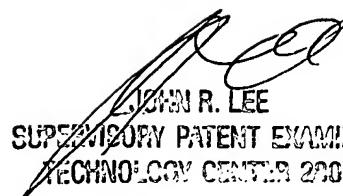
5. Brass et al. disclose ( 5,804,822 ) a portable lamp system with a handle.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor John. R.Lee can be reached on (571) 272-2477.

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Art Unit: 2881

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Zia Hashmi

April 14, 2004



JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
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